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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,329	02/06/2002	John F. Gilsdorf	TRA-064	3149
36822	7590	12/15/2005	EXAMINER	
GORDON & JACOBSON, P.C. 60 LONG RIDGE ROAD SUITE 407 STAMFORD, CT 06902			MAIS, MARK A	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/072,329

Applicant(s)

GILSDORF ET AL.

Examiner

Mark A. Mais

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7-10, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 2-3, 6, 11-12, and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>13 May 2002</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on May 13, 2002 was filed after the mailing date of the Application on February 6, 2002. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner considered the information disclosure statement.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-5, 7-10, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wynn et al. (USP 6,275,499).

4. With regard to claim 1, Wynn et al. discloses a system for transferring synchronous and asynchronous signals between broadband access devices [Fig. 15, STSM 103 which

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**carries both synchronous and asynchronous payloads, col. 13, lines 55-65], said system comprising:**

- (a) at least two bus users [**Fig. 1, Fiber Optic Media and Ethernet Links**];
- (b) a data bus coupled to said at least two bus users [**Fig. 1, OTM 102 multiplexes/demultiplexes I and E links between Fiber and Ethernet**];
- (c) a clock bus coupled to said at least two bus users [**Fig. 1, STGS 115 provides timing to deliver and switching systems, col. 7, lines 35-47**] ; and
- (d) at least one control line coupled to said at least two bus users [**Fig. 1, BCM 101 controls both ingress and egress, 34-42; see also unit controller 104 the line/trunk processor, col. 15, lines 21-29**], wherein

data is transferred between said at least two bus users over said data bus according to a repeating bus frame having a plurality of slots, at least some of said plurality of slots being associated with asynchronous data streams and said at least one control line being asserted when valid data from one of said asynchronous data streams appears in a slot of said repeating bus frame [**synchronous transfer mode datagrams carry DS0 data sent via repeating STS-1 frames, col. 9, lines 12; SPEs carrying asynchronous VT1.5 data are processed differently upon recognition and inherent control signal after recognition, col. 34, lines 31-43**].

5. With regard to claim 4, Wynn et al. discloses that the at least one control line includes a start of frame indicator which is asserted at the first slot of said repeating bus frame [**the data streams contain a start-of-packet/frame bits, col. 26, lines 12-25**].

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6. With regard to claim 5, Wynn et al discloses that at least one of said asynchronous data streams includes a repeating data frame **[both synchronous and asynchronous data, as discussed in claim 1 above, are transported using repeating STS-1 frames]**, and the at least one control line includes a data frame indicator which is asserted when a slot in said repeating bus frame includes a start of frame indicator for said repeating data frame **[the data streams contain a start-of-packet/frame bits, col. 26, lines 12-25; see also an end-of-frame bit or parity bit, col. 26, lines 25 to 33; see also the output control which generates a formatter frame signal for establishing frame relationships of read/write frame relationships, col. 26, lines 35-37 ]**.

7. With regard to claim 7, Wynn et al. discloses that one of said at least two bus users is coupled to a SONET network and another of said at least two bus users is coupled to a non-SONET network **[Fig. 1, Fiber Optic Media and Ethernet Links]**.

8. With regard to claim 8 and 9, it is inherent that, due to ingress and egress functionality (i.e., multiplexing/concentrating functioning), either of the fiber/SONET or Ethernet/non-SONET sides can be the bus master and transfer frames in the needed direction.

9. With regard to claim 10, Wynn et al. discloses a method for transferring synchronous and asynchronous signals between broadband access devices, said method comprising:

(a) generating a repeating bus frame having a plurality of slots; (b) associating at least some of said slots with asynchronous data streams ; (c) transferring data between the broadband access devices during the repeating bus frame **[synchronous transfer mode**

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**datagrams carry DS0 data sent via repeating STS-1 frames, col. 9, lines 12; SPEs carrying asynchronous VT1.5 data are processed differently upon recognition and inherent control signal after recognition, col. 34, lines 31-43].; and**

(d) asserting a first control line when valid data from one of the asynchronous data streams appears in a slot of the repeating bus frame **[the data streams contain a start-of-frame bit, col. 26, lines 12-25].**

10. With regard to claim 13, Wynn et al discloses (e) asserting a second control line at the first slot of the repeating bus frame **[Examiner interprets this as an start-of-packet bit, col. 26, lines 12-25].**

11. With regard to claim 14, Wynn et al. discloses (e) asserting a second control line when a slot of the repeating bus frame includes a framing signal of an asynchronous data stream **[Examiner interprets this as an end-of-frame bit or parity bit, col. 26, lines 25 to 33; see also the output control which generates a formatter frame signal for establishing frame relationships of read/write frame relationships, col. 26, lines 35-37].**

***Allowable Subject Matter***

12. Claims 2, 3, 6, 11, 12 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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13. The following is a statement of reasons for

The Examiner has not found a system that transfers synchronous and asynchronous data via time division multiplexed bus system with repeating bus frames that use either (a) 336 slots using a 25 MHz clock signal or (b) 1008 slots using a 75 MHz clock signal.

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Cummins et al. (USP 6,240,087), OC3 delivery unit; common controller for application modules.

(b) Boal et al. (USP 5,546,392), Communications bus and controller.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is (571) 272-3138. The examiner can normally be reached on 6:00-4:30.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ajit Patel  
Primary Examiner

October 17, 2005